

Message Text

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ACTION AF-08

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DHA-02 /080 W

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R 301534Z APR 76

FM AMEMBASSY PRETORIA

TO SECSTATE WASHDC 4390

INFO AMCONSUL CAPETOWN

AMCONSUL DURBAN

RUEHPG

AMEMBASSY GABORONE

AMCONSUL JOHANNESBURG

AME BASSY LUSAKA

USUN NEW YORK 1226

UNCLAS PRETORIA 2008

CAPE TOWN ALSO FOR EMBASSY

E.O. 11652: N/A

TAGS: PINS, SF

SUBJECT: NUSAS TRIAL RECESSED

REF: PRETORIA 1200

1. TRIAL OF FIVE FORMER NATIONAL UNION OF SOUTH AFRICAN STUDENTS (NUSAS - WHITE UNIVERSITY STUDENT ORGANIZATION) OFFICIALS ON CHARGES UNDER THE SUPPRESSION OF COMMUNISM AND UNLAWFUL ORGANIZATIONS ACTS (PARA 6 REFTEL) WAS RECESSED FOR TEN WEEKS ON APRIL 29. TRIAL WAS POSTPONED BECAUSE OF PREVIOUS COMMITMENTS OF DEFENSE LAWYERS AND IS NOW SCHEDULED TO RECONVENE ON JULY 12.

2. GENERAL CHARGE AGAINST THE FIVE DEFENDENTS IS THAT THEY ARE GUILTY OF FURTHERING THE AIMS OF COMMUNISM BY HAVING ENGAGED IN A CONSPIRACY TO PROMOTE THE POLICIES OF THE SA COMMUNIST
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PARTY (SACP) AND THE AFRICAN NATIONAL CONGRESS (ANC) BOTH

BANNED ORGANIZATIONS. SPECIFIC ACTS ALLEGED IN THE INDICTMENT INCLUDE PLANNING A PUBLIC CAMPAIGN FOR THE RELEASE OF POLITICAL PRISONERS, DEPICTING THESE DETAINEES AS THE " TRUE LEADERS" OF BLACK SOUTH AFRICANS, TELLING THE BLACK POPULATION THAT THEY ARE OPPRESSED AND OAT WHITES ARE THEIR OPPRESSORS, PLANNING TO ORGANIZE BLACK WORKERS INTO UNIONS, AND PUBLISHING A COPY OF THE "FREEDOM CHARTERS" OF THE SACP AND ANC.

3. STATE HAS HAD DIFFICULTIES WITH SOME OF THEIR WITNESSES: A FORMER SACP AND ANC MEMBER, MR BARTHOLOMEW M H LAPANE SPENT ONE DAY TESTIFYING ABOUT EVENTS WHICH TOOK PLACE, AS THE DEFENSE POINTED OUT, WHEN ALL THE DEFENDENTS WERE STILL CHILDREN; A SECURITY POLICE OFFICIAL TESTIFIED THAT DEFENDENT MOSS LEAD A PROTEST MARCH, BUT WHEN HE SHOWED THE COURT FILMS OF THE MARCH TO PROVE HIS CONTENTION, HE WAS UNABLE TO IDENTIFY MOSS; A STATE " EXPERT WITNESS" ON COMMUNISM ADMITTED THAT HE WAS NOT AN EXPERT, AND AFTER ASSERTING THAT THE "FREEDOM CHARTER" WAS AT LEAST " SOCIALISTIC IF NOT COMMUNISTIC" THIS SAME WITNESS UNDER CROSS-EXAMINATION CONCEDED THAT THE CHARTER CONTAINED NOTHING CONTRARY TO THE PRINCIPLES OF WESTERN DEMOCRACY: ANOTHER STATE WITNESS (AND FORMER NUSAS OFFICIAL) TESTIFIED THAT THE FREEDOM CHARTER WHICH THE DEFENDENTS ARE ACCUSED OF PUBLISHING, WAS EXTRACTED VERBATIM FROM A BOOK WRITTEN BY A SECURITY POLICE OFFICIAL.

4. COMMENT: DEFENSE TEAM THUS FAR APPEARS TO HAVE BEEN FAIRLY SUCESSFUL IN DISCREDITING MUCH PROSECUTION TESTIMONY. DEFENDENTS, IN FACT, DO NOT DENY MOST STATE ALLEGATIONS REGARINDG SPECIFIC ACTS, BUT RATHER DENY THAT THE ACTS WERE DONE WITH THE INTENTION OF PROMOTING COMMUNISM. THEY ARGUE THAT THEY WERE PROMOTING A JUST SOCIETY.
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